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HOUSE BILL 987

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Teresa A. Zanetti

AN ACT

RELATING TO HEALTH AND SAFETY; REQUIRING THE STATE MEDICAL  
INVESTIGATOR TO CONSULT WITH RELATIVES OF THE DECEASED  
REGARDING DISPOSITION OF REMAINS OF NATIVE AMERICANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-11-6.1 NMSA 1978 (being Laws 2003,  
Chapter 191, Section 2) is amended to read:

"24-11-6.1. DECEASED MEMBERS OF INDIAN NATIONS, TRIBES OR  
PUEBLOS--CONSULTATION AND CERTIFICATION REQUIRED.--

A. If a deceased person [~~is~~] has been determined to  
be a member of a federally recognized Indian nation, tribe or  
pueblo, the state medical investigator shall use all due  
diligence [~~after any legally required autopsy or post-mortem  
examination, to consult with the legal next of kin of the  
deceased regarding the disposition of all of the deceased's~~

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1 ~~remains, unless other treatment of the remains is provided for~~  
2 ~~by law]~~ to avoid an autopsy unless legally required due to  
3 possible criminal acts or omissions, an obscure cause of death  
4 or other reasons. The state medical investigator shall use the  
5 least invasive means possible to satisfy the investigator's  
6 legal duties in conducting an autopsy.

7 B. If the state medical investigator determines  
8 that an autopsy cannot be avoided, the investigator shall  
9 attempt to provide advance notice of the autopsy to the  
10 surviving spouse or next of kin, or if none can be found, to  
11 the Indian nation, tribe or pueblo of the deceased. Upon  
12 request by the surviving spouse or next of kin, or if none can  
13 be found, by the Indian nation, tribe or pueblo of the deceased  
14 before an autopsy commences, the state medical investigator  
15 shall provide documentation requiring or authorizing the  
16 autopsy.

17 C. Upon request by the surviving spouse or next of  
18 kin, or if none can be found, of the Indian nation, tribe or  
19 pueblo of the deceased, the state medical investigator shall  
20 permit one representative each of the surviving spouse or next  
21 of kin, and of the Indian nation, tribe or pueblo of the  
22 deceased, to be present during the autopsy.

23 D. After any legally required autopsy or postmortem  
24 examination has been conducted, the state medical investigator  
25 shall use all due diligence to consult with the surviving

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1 spouse or next of kin of the deceased regarding the disposition  
2 of all of the deceased's remains. Unless other treatment of  
3 the remains is required by law, the state medical investigator  
4 shall replace all body parts and shall provide written  
5 certification to the surviving spouse or next of kin of the  
6 deceased that the investigator has replaced all body parts."

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